IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 520 of 2004

Between:

1. Chodavarapu Veera Venkata Satyanarayana, S/o Venkateswara Rao,
   R/o Sriramavaram, Dendulur Mandal, West Godavari District.
2. Kothapalli Prabhakar Rao, S/o Pedda Raghavulu,
   R/o Sriramavaram, Dendulur Mandal, West Godavari District.

..... PETITIONERS

AND

1. The Commissioner for Cooperation, Govt.of A.P.Hyderabad.
2. The District Cooperative Officer, West Godavari, Eluru.
3. The Divisional Cooperative Officer, Eluru, West Godavari District.
4. The Chair Person Sri Rama Murthy Large Seized Cooperative Credit

Society Ltd. Jogannapalem, Dendulur Mandal, West Godavari District.
5. The General Manager, Dist.Coop Central Bank Ltd. Eluru,
   West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the Respondents 2 & 3 in issuing directions to Respondent 4 to terminate the services of the petitioners and the consequential action of respondent 4 in terminating the services of the petitioners by passing impugned order dated 16-06-2003 without any notice or

opportunity of being heard as illegal, arbitrary, erroneous and against the principles of natural justice and violative of Article 14 and 21 of Constitution of India and consequently to set-aside the orders of termination.

Counsel for the Petitioner: MR.Y.V.RAVI PRASAD

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

Counsel for the Respondent No.4: Sri N.Siva Reddy

Counsel for the Respondent No.5: Mrs. A. Malathi.

The Court made the following:

O R D E R :

The services of the petitioner were removed on the ground that his appointment is after 1.1.1995 and therefore, it is contrary to the provisions contained in the Act 2 of 1994 of the A.P. Cooperative Societies Act (for short "the Act").

2. That, I have taken a view in W.P.No.3171 of 2003 and batch, dated 30.8.2004 that the mandatory provisions of Section 116-C of the Act and Rules 28(4)(b) and 36(B) of the A.P. Cooperative Societies Act 7 of 1964 Rules are alone guiding principles either for fixing the staffing pattern, qualifications, pay scales and other allowances for its employees with prior approval of the Registrar of Cooperative Societies or for removing them by the respective Cooperative Societies and if any appointment is made against the vacancy as approved under Section 116-C of the Act and merely because such an appointment is made after 01.01.1995, it cannot be said that the appointment is contrary to the Act 2 of 1994.

3. Accordingly, the impugned order is set aside and the Writ Petition is allowed giving liberty to the 4th respondent-Society to pass appropriate orders keeping in view the mandatory provisions of Section 116-C of the Act and Rules 28(4)(b) and 36(B) of the A.P. Cooperative Societies Act 7 of 1964 Rules. No order as to the

costs.

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V. ESWARAIAH, J

Dated:04-11-2004.

ccm

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, the Fourth day of November, Two thousand and four.

ASSISTANT REGISTRAR

To

1. The Commissioner for Cooperation, Govt.of A.P.Hyderabad.
2. The District Cooperative Officer, West Godavari, Eluru.
3. The Divisional Cooperative Officer, Eluru, West Godavari District.
4. The Chair Person Sri Rama Murthy Large Seized Cooperative Credit

Society Ltd. Jogannapalem, Dendulur Mandal, West Godavari District.
5. The General Manager, Dist.Coop Central Bank Ltd. Eluru,
   West Godavari District.

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